

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
8:09-0626-HMH-WMC

2009 JUL 16 A 9:16

George Cleveland,

Plaintiff,

Vs.

City of Seneca SC;

Bonnie Mosses, individually and in her official  
Capacity as election manager, director, poll worker  
For the City of Seneca SC, Rick Lacey, individually  
And in his official capacity as Seneca Recreation  
Director, Terry F. Mullikin, individually and in his  
Official capacity as a grounds man employed by the  
Seneca Recreation Department, Mayor Pro Tem;  
Ronnie O'Kelly, individually and in his official  
Capacity as mayor Pro Tem for the City of Seneca,  
Seneca Police Department, Police Chief John Covington:  
Individually and in his official capacity as Police Chief;  
For the City of Seneca; officer (s) John Doe (s) in their  
Official capacity as Police officers for the City of Seneca.

Plaintiff's Amended Complaint

The Plaintiff in this case George Cleveland proceeding pro se is hereby amending his complaint filed on or about March 12, 2009. Pursuant to the Scheduling order dated 04/27/2009 (fed R. Civ. P 16 (b)(1)).

Preface:

George Cleveland brings this civil & US Constitutional action against the City of Seneca & all of the named defendants named herein. On March 11, 2008 the City of Seneca held the regular City Wide 'Municipal' Election. I have attended a great number of Seneca City Council meeting thru out the years. I'm known around Oconee County, including but not limited to the City of Seneca as being a watchdog for the taxpayers of our community. The Seneca City Council had "two" votes that I thought was "politically suspicious". Finding #1 the Seneca City Council voted (7 YEA) on August 2, 2007 to purchase .095 acres inside the City cooperate limits from City of Seneca Mayor Daniel Alexander, (1) council member was absent & Mayor Daniel Alexander arrived moments after the vote was taken. Finding (2) on January 28, 2008 the Seneca City Council held a special called meeting at 8:30 am to discuss a legal matter. Upon the conclusion of the legal matter, Seneca City Administrator Greg Dietterick informed the Council that they could be added to the City Health Insurance policy. This health insurance would be paid for by the Seneca Light & Water budget (city owned public utility) this insurance would be free for City Council members. The Vote was (6yea, 0 nea, 3 council members were absent) The health insurance vote made a lot of citizens angry because if passed by Council at their next regular City Council meeting on February 12, 2008 it would subsequently increased everyone (s) water



& electric rates that receive service from the City of Seneca thru Seneca Light & Water. Many citizens spoke out against the plan. The citizens along with myself informed the City Council that if they wanted health insurance they should pay for the health insurance themselves. After the meeting I knew the election was the following month so, I put both of these finding explain herein on paper to let every voter know how their City Council was voting & spending their money before they voted.

**Mayor; Pro Tem O'Kelly & Election Manager; Bonnie Mosses Complaint:**

- 1) On March 11, 2008 on or around 12:30 pm I arrived at Shaver Complex (city owned gym) (voting presint) to stand outside the gym alongside the candidates & their families. I greeted the voters just like the candidates were. I ask the voters to read my piece of paper before voting, informing the voters of the "two votes that took place months earlier explain herein. I also talked with all the candidates including but not limited to Mayor Pro Tem Ronnie O'Kelly. Thru several conversations we had thru out the 30 minutes or so I was at Shaver. Ronnie O'Kelly was on the ballot for another 4 year term on the Seneca City Council. He was not happy to see me because I had rebuked the City in our local newspaper "The Daily Journal" I wrote a letter to the editor informing the reading of the two votes explain herein. I also told Ronnie O'Kelly that some citizens are afraid to complain, "I was their voice. I walked inside the gym to greet voters & also distributed my information.
- 2) Two ladies came up to me & told me that I was not allowed to distribute campaign literature. I inform them of what my information was. They stated that it was campaign literature. I informed the ladies that I would go put the 'informative papers' in my car. So I walked out to my car to put the papers inside my car. I walked back to the front of the gym after putting the "informative papers' in my car moments later I seen Ronnie O'Kelly walk inside the gym. Minutes later Bonnie Mosses open the front double doors & ask me to come inside, she informed me that I was being a 'nuisance' & that I should leave for a "while" I really could not hear Bonnie Mosses at first because she was talking while walking away from me.
- 3) I walk into the gym with Bonnie to see where the state law was on 'Political literature' & what defined 'Political Literature'. I told her what my papers contained; she informed me that it was political literature. I left the Gym property "immediately" after our conversion. Bonnie Mosses never asked me what my side of the story was she "recklessly" violated the US Constitution amendment#1. US Constitution #XIV (section#1) SC Constitution Article #1 section #5 US Voters Rights ACT (1971) Title 42 Chapter 20 subchapter 1 (1971)(1), Title 42 Chapter 21 Subchapter II 2000a-1, Title. Mayor Pro Tem Ronnie O'Kelly "recklessly" violated the US Constitution amendment #1 (free speech), US Constitution amendment #XIV section #1, SC Constitution Article # 1 section# 5. There is 'clear & convincing evidence' Bonnie Mosses acted in 'bad faith'. Mayor pro Tem Ronnie O'Kelly alleges that I was being nuisance to everyone in front of the gym. Every voter there knew who I was if they read the newspapers & listen to the local radio stations. Mayor Pro Tem Ronnie



O'Kelly was so afraid that he would loose his seat on the Seneca City Council. He walked into the gym & inform Mrs. Bonnie Mosses that I was being nuisance..Mayor Pro Tem O'Kelly 'recklessly' & 'negligently' violated the US Constitution amendment#1. US Constitution #XIV (section#1) SC Constitution Article #1 section #5 US Voters Rights ACT (1971) Title 42 Chapter 20 subchapter 1 (1971)(1), Title 42 Chapter 21 Subchapter II 2000a-1, Title. Mayor Pro Tem Ronnie O'Kelly "recklessly" violated the US Constitution amendment #1 (free speech), US Constitution amendment #XIV section #1, SC Constitution Article # 1 section# 5. O'Kelly acted in 'bad faith' by not allowing me to stand out in front of the Gym greeting voters as they were doing. There is no law that said only citizens that are on the ballot are allowed to greet voters. There is 'clear & convincing evidence' that will show that I was not being nuisance to O'Kelly or anyone else on or around the property at the Shaver complex on Election Day March 11, 2008.

**Visits To the Oconee County Voter Registration Office:**

On or about 1:30 pm I left the Shaver Complex. I proceeded to the Registration & Voter Registration office in Walhalla SC. I inform Mrs. Joy Brooks (Director). Informed her of what happen at the Shaver Complex, she stated that the Papers I was handing out could be a violation of the law. South Carolina prevents Any distribution of political Literature in front of the Voting presint. I would have To be a certain distance from the voting presint to distribute the Political Literature. Mrs. Brooks also called someone in Columbia SC just to make sure what she was Telling me was correct. She informed me after her conversation with the person in Columbia SC. That what I was distributing could be misinterpreted as Political Literature. I told Mrs. Brooks I would not distribute anymore of my information. I also informed Mrs. Brooks I would throw the papers in her trash can. So after the Papers landed in her trash can I told her thanks for your time & walk out of her Office.

**Recreation Director Rick Lacey & Recreation Grounds man Terry Mullikin Complaint:**

On or about 3;00 pm I arrived for a 2<sup>nd</sup> time at the Shaver complex, after my visit the Voter Restoration office in Walhalla SC. I first walked inside the Shaver Complex gym. I informed Bonnie Mosses that Mrs. Joy Brooks (voter registration director) said I could stand out from of the gym. Because I was not breaking any laws. Mrs. Bonnie Mosses replied. "I don't care what she said". Mrs. Mosses also informed me that I could go back out front, But I better not be "harassing" anyone.' I'm telling you now'. I then walked outside & called, Oconee County Attorney (Brad Norton) I informed Mr. Norton what had took place. I also call the City of Seneca treasurer & clerk (Belinda Harper) I asked her who was in charge of the Municipal elections date & premise hereinafter. Mrs. Harper informed that Mr. Clayton Land was the Chairman of the Seneca Election Commission. I thanked Mrs. Harper for her information & walked into the Shaver Complex to locate Mr. Land. I introduced myself to him & ask him if I could talk with him for a moment he agreed. So we walked out in the hallway, two other



unidentified poll workers walked out in the hallway as well. I proceeded to inform Mr. Land what took place earlier in the day regarding me Plaintiff herein & other parties named herein. Also Mayor Pro Tem O'Kelly & Mrs. Bonnie Mosses. Mr. Land thanked me for letting him know. The other two 'unidentified' poll workers look at each other in accord for what I informed Mr. Land about. Mr. Land & the two unidentified poll workers walked back into the gym area, I walked back outside of the gym to greet voters just like everyone else was. I also saw The City administrator for the City of Seneca Greg Dietterick & Mayor Dan Alexander for the City of Seneca standing outside. I stayed outside for around 5 minutes. At that time around four Seneca Police cars drove up four officers walked into the Gym for on or around a minute. The officers walked outside the building along with Terry Mullikin (Seneca recreation grounds man) where I was standing surrounded me like a "hardened thug" & informed me that Rick Lacey (Seneca recreation director) wants me to "leave". I said 'Yes Sir'. I left the Shaver Complex on or around 3:30 pm. Terry Mullikin, Rick Lacey, & the three Seneca Police officers never asked me what my side of the story was & had a 'reckless disregard' to the rule of law. Terry Mullikin, Rick Lacey & the three Seneca Police Officers "Recklessly" & with "malfeasance" violated, the US Constitution amendment #1, US Constitution #XIV (section #1) SC Constitution Article #1 section #5 US Voters Rights ACT (1971) Title 42 Chapter 20 subchapter 1 (1971)(1), Title 42 Chapter 21 Subchapter II 2000a-1, Title. Mayor Pro Tem Ronnie O'Kelly "recklessly" violated the US Constitution amendment #1 (free speech), US Constitution amendment #XIV section #1, SC Constitution Article # 1 section# 5.all parties herein act in 'bad faith' instead of abiding by the 'rule of law' they became 'puppets' for the City of Seneca Administration.

**Terry Mullikin (Grounds man) & Rick Lacey (Seneca Recreation Director) Complain:**

South Carolina statues are 'well dined' when it comes to who is in charge on Election Day. Mrs. Bonnie Mosses was the manager on Election Day March 11, 2008. She has 'ultimate authority' on election inside & outside of the presint. Mrs. Mosses is the one that gives the orders from 7am till 7 pm on Election Day. However my second trip to the Shaver Complex I was asked to leave by Terry Mullikin a City of Seneca grounds man. His job is to cut grass, clean, maintained the facilities among other things notwithstanding to being a election official. Thru Terry Mullikin, Rick Lacey (Seneca Recreation director) also asked me to leave. Mr. Lacey has no authority to ask no one to leave on election. His job is to lead & supervise his employees that are employed by the City of Seneca Recreation Dept. Rick Lacey or Terry Mullikin has no 'authority' when it comes to anything pertaining to elections. Rick Lacey & terry Mullikin acted in 'bad faith' & both Mr. Lacey & Mr. Mullikin had a 'reckless disregard' to the rule of law. Mr. Lacey & Mr. Mullikin 'recklessly violated SC code of law section 7-13-140.

**Seneca Police Chief John Covington Complaint:**

On or around 3:30 pm someone called the Seneca Police department, thru a SC Freedom of information Act request. I noticed that the Seneca police department 'dispatch' never logged the call. 'two way Nextel radios' were used instead of the City owned (FCC) licensed radios .Chief



Covington 'recklessly' covered up the incident regarding me at the Shaver Complex.. Because Chief Covington knew that the 'local media' listens to police scanners. Chief Covington 'negligently' violated SC Freedom of Information ACT. (Public records) Chief Covington in 'bad faith' tried to not have the City of Seneca "embarrassed" by me. Chief Covington thru his 'reckless disregard' to the rule of law, 'recklessly' violated SC code of law section 17-30-35, (a), (1), (2), (a), (b). SC code of law section 30-4-30 (a), (b) SC Constitution section #2, US Constitution amendment #1, US Constitution #XIV section #1. US Code title 42 chapter 21 subchapter II 2000a. US code title 42 chapter 20 Subchapter 1 (a) (1) (1971) title 42 Chapter 21 Subchapter II 2000a-1.

### **Seneca Police Officers:**

On or around 3:35 pm around four Seneca police officers arrived at the shaver complex. They are immediately upon arriving at the Gym, the officers walked inside for a moment. Seconds later the officers "John Does" walked outside alongside Terry Mullikin. Mr. Mullikin informed me that Rick Lacey told him to ask me to leave. I said "yes sir". While Terry Mullikin was talking with me. The officer (s) surrounded me like a hardened criminal none of the officers would say a word. Terry Mullikin & Rickey Lacey "recklessly" violated US Constitution amendment#1., US Constitution #XIV (section#1) SC Constitution Article #1 section #5 US Voters Rights ACT (1971) Title 42 Chapter 20 subchapter 1 (1971)(1), Title 42 Chapter 21 Subchapter II 2000a-1, Title. Mayor Pro Tem Ronnie O'Kelly "recklessly" violated the US Constitution amendment #1 (free speech), US Constitution amendment #XIV section #1, SC Constitution Article # 1 section# 5. Rick Lacey & Terry Mullikin acted in "bad faith" by neglecting to follow State & Federal law. Officer (s) John Doe (s) by not even speaking with me on this matter. The officers only listen to Rick Lacey & Terry Mullikin, all Officers John Doe (s). The officers did not even tell me their names. These officers "recklessly" violated, US Constitution amendment#1., US Constitution #XIV (section#1) SC Constitution Article #1 section #5 US Voters Rights ACT (1971) Title 42 Chapter 20 subchapter 1 (1971)(1), Title 42 Chapter 21 Subchapter II 2000a-1, Title. Mayor Pro Tem Ronnie O'Kelly "recklessly" violated the US Constitution amendment #1 (free speech), US Constitution amendment #XIV section #1, SC Constitution Article # 1 section# 5. All officers John Doe (s) acted in bad faith for taking orders from one side instead get "both" side of the story before allowing Terry Mullikin from escorting me off the Shaver complex property.

Wherefore:

- 1) **\$1,000,000** in punitive damage.
- 2) Pursuant to US Code of Laws Title 42 Chapter 20A 1975a, order the Civil rights Commission, to open up a investigation on how the City of Seneca handles it's elections. In regards with the defendants herein. (Local, State & National Elections).
- 3) Order the Federal Communication Commission (FCC) to open up an investigation into why the Seneca Police Department failed to use its police radios on a police service call in respect to protecting the public, Pursuant to US code of law. Title 47 Chapter 5 subchapter I (151)

- 4) Order the defendants to pay legal fees and court cost.
- 5) Any other relief this court deems justified.

Respectfully Submitted:

George Cleveland (pro se)  
219 Savannah Dr  
Seneca SC 29678

Dated: July 13, 2009



July 13, 09

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
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George Cleveland,

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Bonnie Mosses, individually & in  
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manager, director, poll worker for  
the City of Seneca SC, Rick Lacey,  
Individually & in his official capacity  
Seneca Recreation Director: Terry  
F. Mullikin, individually & in his  
Official capacity as a grounds man  
Employed by the Seneca recreation  
Department,: Mayor Pro Tem Ronnie O'Kelly,  
Individually & in his official capacity as Mayor  
Pro Tem for the City of Seneca: Seneca Police  
Department: Police Chief John Covington,  
Individually & in his official capacity as Police  
Chief for the City of Seneca; Seneca Police  
Officer (s) John Doe (s) in their official capacity  
As Police Officers for the City of Seneca,

CERTIFICATE OF SERVICE

Defendants.

The undersigned does hereby certify that he is the plaintiff pro se litigant. In this  
above entitled action. Has served upon the defendants (s) on this date a copy of the  
Plaintiff's amended complaint, by united States Mail addresses as follows:

James D. Jolly. JR  
Logan, Jolly & Smith, LLP  
1805 North Boulevard  
Anderson SC 29621  
864-226-1910

Dated: July 13,, 2009

:

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July 13, 09